

Application No. 10/552,698

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Docket No. 449122084500

JAN 17 2007**REMARKS**

Claims 1 and 2 stand rejected under 35 USC 103(a) on Kikukawa (U.S. Patent No. 6,335,502) in view of Bettge (U.S. Patent No. 5,168,139). Applicants respectfully traverse this rejection.

Claim 1 recites:

"A grounding switch, comprising:

a moveable contact piece, which passes through an electrically conductive encapsulating housing wall such that it is sealed by a sealing element,

the moveable contact piece being electrically conductively connected to the encapsulating housing wall via the sealing element in the form of a bellows and being guided in a journal bearing supported on the encapsulating housing, wherein

the moveable contact piece is configured to be driven by an electrically insulating handle."

Neither of the references alone or in combination discloses all of the features recited in claim

1.

Claim 1 recites an "electrically insulating handle." Neither Kikukawa nor Bettge disclose such a handle, nor has the Examiner cited either reference as doing so. Instead, the Examiner impermissibly relies on his own assertion that the use of such a handle would be obvious, stating "[it] would have been obvious to one having ordinary skill in the art at the time the invention was made to use [an] electrically insulating handle for operating the grounding switch." Applicants respectfully disagree.

Kikukawa discloses a machine-operated switch. Kikukawa discloses the following in col. 7, lines 48-51: "Switching operation of each of the breaker 7, the grounding switch and the isolator is performed by a different operating machine." The device of Kikukawa has no handle. A handle is a mechanism to be operated by a man. Neither Bettge nor Kikukawa disclose such a handle, nor do they support the Examiner's mere assertion of obviousness. Kikukawa discloses a device that is

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operated by a separate machine. Similarly, Bettge also fails to disclose a handle. Accordingly, neither reference teaches use of the insulating handle recited in claim 1, which is designed to protect a person who operates the handle, because neither reference teaches a device which is operated by a person.

Additionally, claim 1 recites a bellows used as a sealing element. The Kikukawa reference does not teach that the bellows 49 is a sealing element. While Kikukawa discloses a bellows, fig. 1, 49, it makes no disclosure that the bellows is a sealing element.

Furthermore, claim 1 also recites "the moveable contact piece being electrically conductively connected to the encapsulating housing wall." Kikukawa teaches a rod-shaped conductor 35 passing through a portion of a housing that is isolated by an insulating body 38. Kikukawa does not teach that this isolated portion of the housing is electrically conductive.

Finally, the Examiner has conceded that Kikukawa does not disclose a journal bearing, instead relying on Bettge. However, Bettge does not disclose a journal bearing, but actually discloses a "flange part" in (see col. 2, line 59). Accordingly, neither Kikukawa nor Bettge disclose a journal bearing as recited in claim 1.

Accordingly, independent claim 1 is allowable. Claim 2 depends from claim 1 and is allowable due, at least, to its dependency.

Applicants solicit an early action allowing the claims.


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Dated: 1-17-07

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